

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 22-6020-GW-Ex	Date	September 8, 2022
Title	<i>Daniel Chu v. GRCA2 Development, LLC, et al.</i>		

Present: The Honorable	GEORGE H. WU, UNITED STATES DISTRICT JUDGE
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Javier Gonzalez

None Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

PROCEEDINGS (IN CHAMBERS): ORDER TO SHOW CAUSE RE SUBJECT MATTER JURISDICTION

Defendants GRCA2 Development, LLC (“GRCA2”) and Gerald Wiener (“Wiener”) removed this action to this Court on August 24, 2022, asserting that this Court has subject matter jurisdiction over this action pursuant to the considerations relevant for establishing diversity jurisdiction. In doing so, however, they do not appear to have alleged the citizenship of their co-defendant, CAA General Contractor, Inc. (“CAA”). For purposes of the issue of subject matter jurisdiction, it does not matter if CAA had not been served at the time of removal, or even still has not been served. *See, e.g., Preseau v. Prudential Ins. Co. of Am.*, 591 F.2d 74, 78-79 (9th Cir. 1979). Its citizenship still must be taken into account.

The Court has an independent obligation to confirm its subject matter jurisdiction over every action before it. *See Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006) (indicating that courts must assure themselves of the existence of subject matter jurisdiction before proceeding); *Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 1116 (9th Cir. 2004) (same). As the removing parties, GRCA2 and Wiener have the burden of making an allegation of citizenship as to CAA. *See Corral v. Select Portfolio Servicing, Inc.*, 878 F.3d 770, 773 (9th Cir. 2017). The Court orders them to do so in a filing no later than September 22, 2022. Absent such a filing, the Court will remand the matter for lack of a sufficient demonstration of subject matter jurisdiction.

It is so ordered.

Initials of Preparer JG